

ORIGINAL

COLBY M. MAY, Esq., P.C.

ATTORNEY AT LAW

205 THIRD STREET, S.E.

WASHINGTON, D.C. 20003

(202) 544-5171

COLBY M. MAY

Of Counsel:
RICHARD G. GAY*
JAMES M. HENDERSON, SR.

Also Admitted in VA
*Also Admitted in OH, WV
Also Admitted in KY

TELECOPIER NO.

(202) 544-5172

WRITER'S E-MAIL ADDRESS:

cmmay@maylawoffices.com

cmmay@aclj-dc.org

June 8, 2006

RECEIVED

JUN - 8 2006

HAND DELIVERED

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

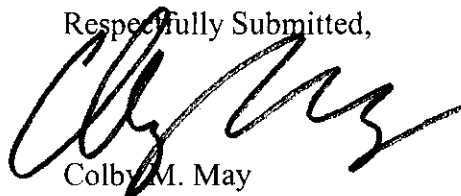
Federal Communications Commission
Office of Secretary

Re: Ex Parte Presentation, *Carriage of Digital Television Broadcast Signals:
Amendments to Part 76 of the Commission's Rules* (CS Docket No. 98-120)

Dear Ms. Dortch:

On behalf of the Trinity Christian Center of Santa Ana, Inc., d/b/a the Trinity Broadcast Network ("TBN"), this is to notify the Commission of the following *ex parte* communication to Commissioner McDowell regarding digital multicast must carry, an issue in the above captioned proceeding. TBN's President & Founder, Dr. Paul F. Crouch, Sr., Mr. Robert Higley, TBN's Vice President-Cable, and the undersigned met with Commissioner McDowell today, and presented copies of the attached materials.

Respectfully Submitted,



Colby M. May

CMM/gmc
Encl.

No. of Copies rec'd 0 + 2
List ABOVE

MULTICAST EQUAL ACCESS ADVANCES CONSUMER CHOICES AND FIRST AMENDMENT VALUES

Five primary reasons why faith-based, independent, and minority broadcasters support digital multicast equal access, and why they believe it advances the First Amendment interests of the viewing public:

1. **CABLE IS A MONOPOLY** -- The cable market is not an open or free market. All cable systems receive exclusive franchises by local/state governments to operate as a monopoly -- like a regulated utility or gas company. No one else can offer a competing cable service.

2. **CABLE SERVICE DISPLACES THE FREE BROADCAST SERVICE, WHICH HARMS THE PUBLIC** -- Once a home is wired for cable service it is nearly universally the case that the antenna needed for free-over-the-air television service is removed. So, unless the local station is on the cable system no cable viewer is able to get the local station's programming. In a market that has 80+% cable penetration (which is about the national average) that means the broadcaster can only reach 20% of its market unless it is on the cable. This results in an anti-competitive market which hurts consumers by actually reducing program choices, and allows cable to charge high subscription prices.

3. **CABLE HAS A FINANCIAL INTEREST IN EXCLUDING NONCOMMERCIAL RELIGIOUS CHANNELS** -- Because cable also sells advertising it seeks to carry only that programming where it can sell spots. This uniquely hurts faith broadcasters which operate as not-for-profit organizations that do not promote commercial goods or services.

Take the case of the Trinity Broadcasting Network's "The Church Channel," which offers a collection of the most compelling church services in the country, and ABC's Soapnet. Both launched about 2 years ago. A report by Beta Research featured viewer interest in new networks, and The Church Channel generated a sixteen per cent (16%) interest level from those interviewed, compared to Soapnet's thirteen per cent (13%). Based on these interest levels, logically The Church Channel should have received distribution roughly equal to that of Soapnet. Not so. Soapnet has been made available to 47 million homes, while The Church Channel is available to only 14 million homes. If there was more public interest in The Church Channel versus Soapnet, how did this huge disparity in distribution come about? In large measure, the reason is there are no spots available for the cable system to sell time on The Church Channel.

4. **THE CABLE MONOPOLY REDUCES VIEWER CHOICES AND MULTICAST EQUAL ACCESS WILL EXPAND VIEWER CHOICES** -- limiting carriage to only one of a broadcaster's digital channels of service clearly cuts off consumer choices. If a DTV station offers several free-to-the-home programming choices it should not be forced to choose which is the "main" program channel to be carried on cable. That is a decision the viewer should make. Consumers should be offered all free broadcast programming through their cable system, regardless of whether that comes in the form of one HDTV channel, several standard definition

channels, or a combination of both.

Further, full digital equal access will not force cable to take existing cable channels off their systems to make room for the broadcast DTV signals. In fact, because cable uses a QAM system (which allows mp3, mp4, mp5, etc., applications), while broadcasters are forced to use only an mp2 level of technology, cable systems will actually use less than 3MHz of spectrum to carry every digital channel provided by a broadcaster. This is less than half of what the current law requires for the analog carriage, which is a full 6MHz. So there is no genuine capacity limit for cable. So even with digital multicast equal access cable systems remain free to offer any and all other programming it wishes. The broadcast industry does not seek an increase in the number of cable channels that must be devoted to broadcast channel carriage (which has always been up to one-third of total channel capacity for cable systems with 36 or more channels, as was upheld in the Turner v. FCC case), only that the entire digital signal be carried, whether in high definition (HDTV) or multicast mode.

5. BROADCASTERS MUST COMPLY WITH THE FCC'S INDECENCY STANDARD – All of the free-to-the-home program offerings from a local broadcaster are subject to the FCC's indecency standards. Cable is not subject to these limitations, and its programming reflects that. While the FCC may not be vigorously enforcing its rules (which it certainly should, and which is why the broadcasters in the Faith & Family Broadcasting Task Force support bills to increase fines and penalties in this area), the indecency regulations nevertheless help encourage more family-friendly programming (or at least less-indecent programming), and protects children and families from the escalating and ubiquitous level of disturbing programming.

For more information contact the Faith & Family Television Task Force at www.cc.org/mcmc.cfm.

OLYMPIA J. SNOWE

MAINE

154 RUSSELL SENATE OFFICE BUILDING
(202) 224-5344

E-Mail: Olympia@snowe.senate.gov
Web Site: <http://snowe.senate.gov>

United States Senate

WASHINGTON, DC 20510-1903

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION

CHAIR, FISHERIES AND COAST GUARD
SUBCOMMITTEE

FINANCE

INTELLIGENCE

CHAIR, SMALL BUSINESS

June 5, 2006

The Honorable Kevin J. Martin
Chairman, the Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Martin,

It is my understanding that you are considering ruling on multicast must-carry rights for broadcasters in digital television in the upcoming weeks. As you know, I have previously expressed my support for broadcasters to receive full cable carriage of their entire 6 MHz of spectrum (which is the current requirement in analog television). Requiring the carriage of broadcasters' 6 MHz of spectrum will maintain the delicate regulatory balance that makes it possible for small and independent broadcasters to be a part of the multi-media landscape in today's television industry.

I am a strong proponent of preserving localism as well as promoting the diversity of television programming, and I strongly support a must carry rule. A successful transition from analog to digital television will bring consumers new choices for video programming and ensure a competitive market. Carriage of broadcasters' digital channels will serve the public's interest in local communities across the nation.

Thank you for your attention to this matter.

Sincerely,



OLYMPIA J. SNOWE
United States Senator

AUBURN
TWO GREAT FALLS PLAZA
SUITE 7B
AUBURN, ME 04210
(207) 786-2451

AUGUSTA
40 WESTERN AVENUE, SUITE 408C
AUGUSTA, ME 04330
(207) 622-8282

BANGOR
ONE CUMBERLAND PLACE, SUITE 306
BANGOR, ME 04401
(207) 946-0432

BIDDEFORD
231 MAIN STREET, SUITE 2
BIDDEFORD, ME 04005
(207) 282-4144

PORTLAND
3 CANAL PLAZA, SUITE 601
PORTLAND, ME 04101
(207) 874-0883
MAINE RELAY SERVICE
TDD 1-866-3323

PRESQUE ISLE
169 ACADEMY STREET, SUITE 3
PRESQUE ISLE, ME 04769
(207) 784-5124

IN MAINE CALL TOLL-FREE 1-800-432-1889

PRINTED ON RECYCLED PAPER



Office of the President

April 28, 2006

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 - 12th Street S.W.
Washington, D.C. 20554

Re: Support of Multicast Equal Access as a Vital Part of Aiding the Nation's
Migration from Analog to Digital Broadcast Service

Dear Chairman Martin:

On behalf of the Trinity Broadcasting Network I would like to say "thank you" for the support of multicast equal access (sometimes referred to as multicast must carry) you announced at the National Association of Broadcasters convention. Insuring cable companies maintain equal access for viewers to all of the free-to-the-home digital signals broadcast by local television stations is vital. This is especially so during the analog-to-digital migration, which sunsets on February 17, 2009.

Failure to insure the public continues to have access to all of the free program services broadcast by local stations will cause enormous public confusion and frustration, and truncate valuable community service. When Congress mandated conversion of the nation's television service from an analog to a digital format, it hoped to open the way for innovation. That has happened, and local stations are now providing HDTV and multicast services. However, without insuring cable systems carry all of these new (and free) broadcast services, viewer choices will be unfairly cut off.

I hope you will continue to work to overturn the Commission's ruling that during and after the sunset of analog broadcasting cable systems will only be obligated to carry one channel of each DTV broadcaster's signal. *Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules* (CS Docket No. 98-120). As a result, regardless that a local DTV station broadcasts several different free-to-the-home programming choices, the cable monopoly has no obligation to include those service choices to the public. In short, cable is

Trinity Broadcasting Network • International Headquarters
2442 Michelle Drive • Tustin, California 92780-7091 • (714) 832-2950

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
April 28, 2006
Page 2

allowed to gate keep its competition out, and limit viewer choices. This is something the Commission needs to remedy.

Further, full digital equal access will not force cable to take existing cable channels off their systems to make room for the broadcast DTV signals. In fact, because cable uses a QAM system (which allows mp3, mp4, mp5, etc., applications), while broadcasters are forced to use only an mp2 level of technology, cable systems will actually use less than 3MHz of spectrum to carry every digital channel provided by a broadcaster. This is less than half of what the current law requires for analog carriage, which is a full 6MHz. So even with digital multicast equal access cable systems remain free to offer any and all other programming it wishes. The broadcast industry does not seek an increase in the number of cable channels that must be devoted to broadcast channel carriage (which has always been up to one-third of total channel capacity for cable systems with 36 or more channels, as was upheld in the Turner v. FCC case), only that the entire digital signal be carried, whether in high definition (HDTV) or multicast mode.

I appreciate and endorse your strong support for multicast equal access. Thank you.

Sincerely,

Paul F. Crouch

Dr. Paul F. Crouch, President
Trinity Broadcasting Network

xc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate

*P.S. It was a pleasure to
meet with you a few
weeks ago with our Communication
Counsel, Mr. Colby May. Please know
we will assist and cooperate with
you in this quest for equal
access! God bless you!*

PFC

FAITH FAMILY TELEVISION TASK FORCE

www.cc.org/mcmc.cfm

May 30, 2006

The Honorable J. Dennis Hastert
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable William ("Bill") Frist
Majority Leader
U. S. Senate
Washington, DC 20510

Re: Support for Broadcast Multicast Equal Access on Cable

Dear Leader Frist and Speaker Hastert:

The undersigned churches, ministries, and community organizations would like to express their strong support for the passage of legislation to insure cable companies maintain equal access for viewers to all of the free-to-the-home digital signals broadcast by local television stations. Failure to insure the public continues to have access to all of the free program services broadcast will cause enormous public confusion and frustration, and truncate valuable community service.

When Congress mandated conversion of the nation's television service from an analog to a digital format, it hoped to open the way for innovation. That has happened, and local stations are now providing HDTV and/or multicast services. However, without insuring cable systems carry all of these new (and free) broadcast services, viewer choices will be unfairly cutoff.

In recognition that cable operates as a monopolist, with exclusive local franchises, the Cable Consumer Protection and Competition Act of 1992 obligated cable systems to carry the signal of all local television stations. The reasons were straight forward: (1) the cable monopoly had an incentive in limiting its competition for advertising dollars, which it primarily accomplished through the act of wiring a household for service. Once the wire went in, the broadcast receive antenna came down, and so the household simply could no longer access the local TV service; (2) this obvious market distortion gravely threatened the future viability of free-broadcast television, which provides a myriad of necessary and valuable services to the public; and (3) carriage advanced the First Amendment interest of the public in having greater, rather than fewer choices in service and programming.

These rationales remain applicable today. However, in February 2005 the FCC ruled that during and after the sunset of analog broadcasting – now set for February 17, 2009 – cable systems were only obligated to carry one channel of each DTV broadcaster's signal. So, regardless that a local DTV station broadcasts several different free-to-the-home programming choices, the cable monopoly has no obligation to include those service choices to the public. In short, cable is allowed to gate-keep its competition out, and limit viewer choices.

The Honorable J. Dennis Hastert
The Honorable William ("Bill") Frist
May 30, 2006
page 2

The carriage of a multicast channel does not take up any more space on a cable system than a single HDTV channel. In fact, it takes less - not more - cable bandwidth capacity to retransmit a digital broadcast signal than it takes to retransmit an analog broadcast signal. While a digital broadcast station uses 6 MHz of spectrum to broadcast its signal over the air, when a cable system retransmits that same digital signal, the retransmission requires no more than 3 MHz of cable bandwidth - half of the 6 MHz of cable bandwidth required for cable to retransmit a television station's analog signal. A television station's full digital signal - whether in a multicast or HDTV mode - will at no time occupy more than 3 MHz of bandwidth on a cable system. The other 3 MHz of bandwidth (that would have been necessary for an analog signal) is available for other uses by the cable system.

We strongly urge Congress to maintain equal access for viewers to all of the free-to-the-home digital signals broadcast by local television stations.

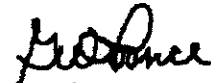
Sincerely,



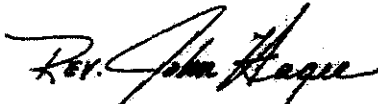
Dr. Paul Crouch
President
Trinity Broadcasting Network



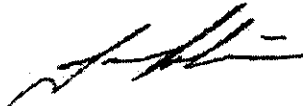
Rev. Marcus Lamb
President
Daystar Television Network



Dr. Garth Coonce
President
TCT Network



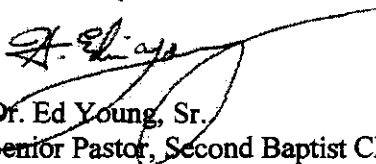
Rev. John Hagee, Pastor
Cornerstone Church



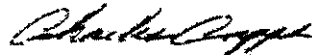
Rev. James Robison
Life Outreach Intn'l



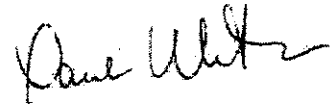
Rev. Benny Hinn
World Healing Ministries



Dr. Ed Young, Sr.
Senior Pastor, Second Baptist Ch.



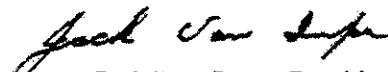
Rev. Charles Capps
Charles Capps Ministries



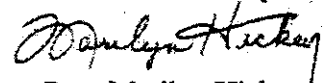
Paula White
Paula White Ministries



Pastor Greg Dickow
Life Changers Church Intn'l

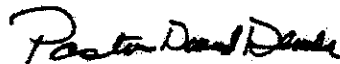


Dr. Jack Van Impe, President
Jack Van Impe Ministries



Rev. Marilyn Hickey
Marilyn Hickey Ministries

The Honorable J. Dennis Hastert
The Honorable William ("Bill") Frist
May 30, 2006
page 3



Pastor David Demola
Faith Fellowship



Pastor Robb Thompson
Family Harvest Church



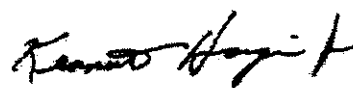
Rev. Kenneth Copeland
Kenneth Copeland Ministries



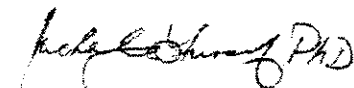
Jentezen Franklin, Senior Pastor
Free Chapel Worship Center



Dr. Jessie DuPlantis - CEO
Jessie DuPlantis Ministries



Rev. Kenneth Hagin Jr.
Rhema Bible Church



Dr. Michael Youssef
President/CEO
Leading the Way Ministry



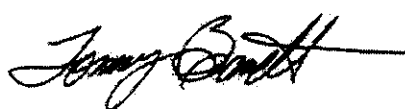
Dr. Ronnie W. Floyd
Pastor, Biblical Life Coach
Winners Broadcast Ministry



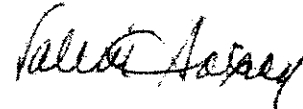
Pastor Perry Stone
Voice of Evangelism



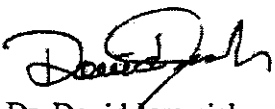
Rev. Sid Roth, President
The Messianic Vision



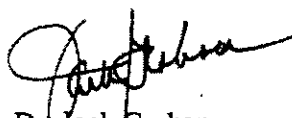
Pastor Tommy Barnett
Phoenix First Assembly



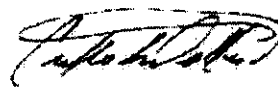
Dr. Valerie Saxion
Valerie Saxion's Ministries



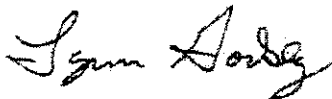
Dr. David Jeremiah
Turning Point Ministries



Dr. Jack Graham
PowerPoint Ministries



Dr. Creflo Dollar
Creflo Dollar Ministries



Lynn Godsey, President
Alliance/Hispanic Evangelical Min.



Darlene Bishop
Darlene Bishop Ministries

xc: Members, U.S. House of Representatives
Members, U.S. Senate